

COMPLAINT FORM
(for filers who are prisoners without lawyers)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

(Full name of plaintiff(s))

Michael Pugh

FILED

1:41 pm, Feb 18, 2020

**U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Laura A. Briggs, Clerk**

vs

Case Number:

(Full name of defendant(s))

CIO R. CURTS

1:20-cv-00538-RLY-MPB

(To be supplied by clerk of court)

A. PARTIES:

1. Plaintiff is a citizen of Indiana, and is located at
(State)

4490 W. Reformatory Rd. Pendleton, IN 46064
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper).

2. Defendant CIO R. CURTS,
(Name)

is (if a person or private corporation) a citizen of Indiana
(State, if known)
and (if a person) resides at N/A
(Address, if known)
and (if the defendant harmed you while doing the defendant's job)
worked for Pendleton Correctional Facility 4490 W. Remitory Rd.
Pendleton, IN 46064 (Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On March 24th 2019, (I Michael Pugh Doc#198207) was being escorted to recreation in G-cellhouse by the (Corrections officer; curts) working H-Bracket. As he escorted me to recreation, I stated To (C/o curts) that cell 17 on my Range also wanted recreation because They skipped his cell. At this time (C/o curts) began to Verbally state "Fuck cell 17 and his recreation, and how doesn't care if cell 17 got his recreation or not ever and began threatening various other inmates on the Range as well. As I and (c/o curts) arrived at the recreation cages

I stepped into the Recreation cage, in which at this time the (C/o.Curts) then continued still holding my hands cuffed behind my back through the cuff port slot. While holding my arms still (C/o.Curts) then slammed the "rec" cage door on me, while still holding me causing me to use my foot to stop the door so, I wouldn't be hurt by the door slamming close. Doing so (C/o.Curts) then stated that if I kicked the door again he was going to come into the rec. cage and beat my ass. Unable to properly secure the cage door because (C/o.Curts) didn't have the rec keys, he again slammed the rec door on me again causing me to use my foot to stop the door from hurting me, in which at that time (C/o.Curts) then swung the cage door open pushing me, slamming me against the rec. cage and began physically choking me and threatening to kill me, calling racial slurs as well as stating how he had been wanting to catch a murderer in prison and how he was a member of the outlaw's gang and knew how to find my family. At that point the other two C/O's were approaching and immediately began grabbing (C/o.Curts) in attempts to remove him from the recreation area to stop him from attacking me again. At this point I spit at the C/O for assaulting me, in which (C/o.Curts) again pushed both the other 2 C/O's in attempts to get back into my rec. cage.

To again attack me. Doing so both CIO's had physically restraint (CIO.Curts) so he couldn't get to me again. At this point (CIO.Curts) then became so upset he couldn't get to me he began to yell at the other CIO's stating to them "Your going to protect this little nigger from me". As the 2 CIO's didn't allow him to get to me, (CIO Curts) then pulled out his O.C spray and began Spraying me. At this time I moved to the very back of the recreation cage out of reach of his spray as I was told by the other CIO's as they yelled for (CIO Curts) to stop spraying his spray at me, cause Im not posing any threat at all to anyone and Im still in handcuffs the entire time. Not doing so the (CIO Curts) continued spraying his spray at me, while yelling for me to bring my "little Nigger ass up to the cage where he could reach me, But I continue standing at the back of the Recreation cage as I was told by the other 2 CIO's. As the other CIO's finally made (CIO.Curts) leave he took his O.C spray and began Spraying myself and all the other inmates that were outside as well on his way out. After the other 2 CIO got him away from me; out the Rec cages area, they were then able to call a signal and request for assistance, in which I was then taken to medical to be checked out and brought back to G-Cellhouse Segregation units to be giving a shower from being sprayed by the O.C spray.

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ 25,000.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

If I win my lawsuit I respectfully ask the court to order a award of money asked for, for the use of "excessive force" as well as the cruel and unusual punishment. I also ask to be awarded for the emotional/ Distress caused from this incident having been assaulted, choked threaten to be killed and called countless Racial Slurrs all while being still in handcuffs with my hands Behind my back. As well as this Relief for the Safety for the threats made against my family. for the violation 8th Amendment Right To Be free from cruel and unusual punishment when C/O Curtis used excessive force against myself physically and using a chemical agent issued by the Department of Corrections. Thus stepping outside his Duties in which caused him To No longer be protected by "necessary force To maintain security."

E. JURY DEMAND

- Jury Demand - I want a jury to hear my case
OR
 Court Trial - I want a judge to hear my case

Dated this 17 day of February 2020.

Respectfully Submitted,

Michael Pugh
Signature of Plaintiff

198207
Plaintiff's Prisoner ID Number

4490 W. Reformatory Rd.

Pendleton, IN 46064
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE
FILING FEE**

- I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.
- I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.